

### **REMARKS**

Claims 1-68 are pending in the present application. None of the claims have been amended in this response.

Claims 1-17, 21, 23-26, 28-43, 47, 49-56, 59-65 and 68 were rejected under 35 U.S.C. §102(e) as being anticipated by *Ozzie et al.* (US Patent No. 6,640,241).

Claims 18-20, 27, 44-46, 57 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent No. 6,640,241) in view of *Payne et al.* (US Patent No. 6,735,614).

Claims 22, 48, 58 and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent No. 6,640,241) in view of *Cave et al.* (US Patent 6,404,746). Applicant respectfully traverses these rejections. Favorable reconsideration is respectfully requested.

*Ozzie* is not prior art to the presently claimed invention. The presently claimed invention was conceived prior to the effective date of *Ozzie* which is July 19, 1999. The Affidavits of David Zaret, David Schonberg, Eric Sinclair, Adam Radulovic, Brawnski Armstrong, Enrico Ferrari and Eric Kristoff and the attached exhibits submitted therewith demonstrate that the claimed invention was conceived prior to July 19, 1999 and that the attached specification demonstrate reduction to practice of the invention prior to that date. Therefore, *Ozzie* is not prior art to the presently claimed invention.

Also attached is a Petition to permit filing under 37 C.F.R. §1.47 and a statement of facts by Doug States on behalf of Parlano, Inc., which is the assignee of the present application. The petition and statement of facts establishes diligent efforts undertaken by applicants to obtain the cooperation of the non-signing inventors, namely Graham Lawlor, Robert Seymour, and Pat O'Donnell.

In light of the above, Applicant respectfully submits that claims 1-68 are allowable over the prior art. Applicant also requests that a timely Notice of Allowance be issued in this case. Should there be any other charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY  \_\_\_\_\_

Peter Zura

Reg. No. 48,196

Customer No.: 29177

(312) 807-4208

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